U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

September 11, 2012

BY HAND

Honorable Laura Taylor Swain
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Irwin Lipkin
S8 10 Cr. 228 (LTS)

Dear Judge Swain:

The Government anticipates that at a court appearance scheduled for September 13, 2012 at 12:45 PM, the Government will file a Superseding Information (the "Superseding Information") in the above-referenced case, and that Irwin Lipkin, the former Controller of Bernard L. Madoff Investment Securities LLC ("BLMIS"), will plead guilty to the Superseding Information.

Count One of the Superseding Information charges that Irwin Lipkin conspired to (1) commit securities fraud by, among other things, creating false financial records that were provided to various BLMIS investors, (2) falsify records of a broker-dealer, (3) falsify records of an investment adviser, (4) make false filings with the Securities and Exchange Commission, and (5) falsify statements in relation to documents required by ERISA. Count Two of the Superseding Information charges Irwin Lipkin with the substantive offense of falsifying statements in relation to documents required by ERISA. A chart of the anticipated charges and penalties is attached. The combined statutory maximum penalty applicable to Counts One and Two is 10 years of imprisonment.

In order to provide notice to victims of the anticipated guilty plea proceeding, the Government respectfully requests that the Court direct the United States Attorney's Office to post this

letter on its Internet website at http://www.usdoj.gov/usao/nys on a separate Web page for *United States* v. *Bernard L. Madoff* and Related Cases.

Respectfully submitted,

PREET BHARARA
United States Attorney

By: _____
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cc: David M. Richman, Esq.
(Counsel to Irwin Lipkin)

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Count	Charge	Maximum Penalties
ONE	Conspiracy to (1) Commit Securities Fraud; (2) Falsify Records of a Broker-Dealer; (3) Falsify Records of an Investment Adviser; (4) Make False Filings with the SEC; and (5) Falsify Statements in Relation to Documents Required by ERISA	5 yrs. imprisonment; 3 yrs. supervised release; fine of the greatest of $250,000 or twice the gross gain or loss; mandatory $100 special assessment; and restitution.
TWO	Falsifying Statements in Relation to Documents Required by ERISA	5 yrs. imprisonment; 3 yrs. supervised release; fine of the greatest of $10,000 or twice the gross gain or loss; mandatory $100 special assessment; and restitution.